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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,563	05/16/2001	Scott Harris Bloom	AIRFIBE.002A	4115
20995	7590	07/25/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			SEDIGHIAN, REZA	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2633	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/859,563

Applicant(s)

BLOOM ET AL.

Examiner

M. R. Sedighian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,7,8,10-12 and 21-42 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,9,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 13-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. This communication is responsive to applicant's 11/15/04 amendments. The amendments have been entered. Claims 1-42 are now pending.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-6, 9, and 19-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Czichy et al. (US Patent No: 6,297,897) in view of Walter (US Patent No: 4,764,983).

Regarding claims 1 and 20, Czichy teaches a base mount (Structure, fig. 7) configured to be attached to a position determining device (col. 6, lines 57-67, col. 7, lines 1-14 and the laser transmitter and tracking sensor in fig. 6 and pointing unit in fig. 7) and a tiltmeter (the pointing mirror, fig. 6) for determining position of the node (col. 6, lines 57-61), one azimuth plate (col. 7, lines 15-25 and the interface plate, fig. 7); and an optical receiver/transmitter pair (laser transmitter, tracking sensor in fig. 6 and the pointing unit in fig. 7) mounted on the azimuth plate (the pointing unit is mounted on the interface plate, fig. 7), a post (the post in optics unit, shown in fig. 7), wherein the azimuth plate is rotatably mounted (col. 7, lines 15-25) on the post and the post is configured to align the azimuth plate with the base mount (col. 7, lines 31-35). Czichy differs from the claimed invention in that Czichy does not disclose the base mounted is removably attached to the position determining device. Walter teaches a base mounted can be removably attached to a transmitter or receiver station (col. 1, lines 29-35).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to provide a removable base mount, as it is taught by Czichy, for the base mount, or structure in the optical pointing and aligning system of Czichy to provide convenient adjustment and removal of the parts if replacement is required.

Regarding claim 5, Czichy teaches a conduit for transmitting signals to the transmitter/receiver pair (col. 7, lines 54-56, col. 8, lines 15-24).

Regarding claim 6, as to precisely aligning the position determining device and the tiltmeter to a post, this is merely a matter of engineering and design choice, and it would have been obvious to precisely align a position determining device and a tiltmeter to a post to accurately determine positioning information and to provide beam acquisition and tracking.

Regarding claim 9, Czichy teaches a radome and a lid surrounding the optical receiver/transmitter pair (col. 7, lines 55-67, col. 8, lines 1-2 and fig. 7).

Regarding claim 19, Czichy teaches a memory device to store data that accounts for offsets in the actual pointing direction of the transmitter/receiver pair relative to a design pointing direction (col. 17, lines 60-64).

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czichy et al. (US Patent No: 6,297,897) in view of Walter (US Patent No: 4,764,983) and in further view of Lee et al. (US Patent No: 5,405,347).

Regarding claims 2-3, the modified optical pointing and tracking system of Czichy and Walter differs from the claimed invention in that Czichy and Walter do not disclose a post that includes a V-groove to receive a set screw that aligns an azimuth plate

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with a base mount. Lee teaches a post that includes a V-groove to receive a set screw (col. 3, lines 17-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to incorporate a post with V-groove and screws, as it is taught by Lee, for the modified optical acquisition and tracking assembly of Czichy and Walter in order to provide slidable relationship between different portions and to allow coupling, sliding, and angular movement between parts of the system.

5. Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new ground(s) of rejection.

6. Claims 13-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


7. Claims 4, 7-8, 10-12, and 21-42 are allowed over prior art of record.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**M. R. SEDIGHIAN**  
**PRIMARY EXAMINER**